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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 ALEXANDER P. SOMMER, an individual ) CASE NO. C-07-2864 SC  
12 Plaintiff, )  
13 v. ) PLAINTIFF ALEXANDER P.  
14 UNUM, UNUM PROVIDENT CORPORATION; ) SOMMER'S REQUEST FOR  
15 UNUM PROVIDENT LIFE INSURANCE ) JUDICIAL NOTICE  
16 COMPANY OF AMERICA; FIRST UNUM )  
17 LIFE INSURANCE COMPANY OF AMERICA; )  
18 PAUL REVERE LIFE )  
19 INSURANCE COMPANY; )  
20 UNITED STATES LIFE INSURANCE )  
COMPANY, )  
AND DOES 1-300, )  
Defendants. )

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2 Pursuant to Rule 201 of the Federal Rules of Evidence, Plaintiff Alexander P. Sommer hereby  
3 requests that the court take judicial notice of: certain records of the California Department of  
4 Insurance posted on its official website; Certain records of the Office of the Secretary of  
5 Commerce of the State of Tennessee; certain documents printed out from UNUM's official  
6 website on the world wide web; and, of certain news paper accounts, attached as **EXHIBIT'S**  
7 "A" through "G" to the Declaration of Stephen W. Steelman in Opposition to Defendants'  
8 Motion to Dismiss, filed and served concurrently with this request.

9 As to those records of the California Department of Insurance posted on its official  
10 website and certain records of the Office of the Secretary of Commerce of the State of Tennessee  
11 posted on her official website, the propriety of such request, and the fact that such records are  
12 judicially noticeable, is provided by Federal Rule of Evidence 1005 which provides that the court  
13 may take judicial notice of the contents of public record.

14 As to **EXHIBIT "A"** to the Declaration of Stephen W. Steelman, a print out from  
15 UNUM's official website, the propriety of such request, and the fact that such records are  
16 judicially noticeable, is provided by Federal Rule of Evidence 801(d)(2) which provides that an  
17 admission by a party opponent is not hearsay and Federal Rule of Evidence 1001(3), providing  
18 that: "If data are stored in a computer or similar device, any printout or other output readable by  
19 sight, shown to reflect the data accurately, is an "original".

20 As to those **EXHIBIT "H"** the propriety of such request, and the fact that such records  
21 are judicially noticeable, is provided by Federal Rule of Evidence 201 (b)(2) which provides that  
22 the court may take judicial notice of facts, "capable of accurate and ready determination by resort  
23 to sources whose accuracy cannot reasonably be questioned."

24 As to those certain news paper accounts the propriety of such request, and the fact that  
25 such records are judicially noticeable, is provided by Federal Rule of Evidence 201 (b)(2) which  
26 provides that the court may take judicial notice of facts "capable of accurate and ready  
27 determination by resort to sources whose accuracy cannot reasonably be questioned."

28 Dated: October 9, 2006

/S/  
STEPHEN STEELMAN  
Counsel to Plaintiff  
Alexander P. Sommer